

REMARKS

This paper is in response to the Advisory Action mailed November 21, 2006 and the submittal of a Request for Continued Examination in the instant application.

On July 26, 2006, a Final Office Action was issued by the Office in the above matter. A response to the Final Office Action was filed on October 26, 2006 (three months after the date of the Final Office Action. An Advisory Action, dated November 21, 2006, was received in this Office received on or around November 27, 2006. In response to the Advisory Action a Request for Continued Examination was filed, on December 12, 2006. The Request for Continued Examination was entered into the file of the instant application as indicated by an examination of the file wrapper as observed in the Patent and Trademark Office database utilizing the Private PAIR system..

A subsequent review of the Advisory Action revealed that box 1a of the Advisory Action was checked (“[t]he replay was filed after a final rejection The period of reply expires 3 months from the mailing date of the final rejection.”).

However, in the submission of the Request for Continued Examination, on December 12, 2006, an explicit Petition for Extension of Time under 37 CFR 1.136(a) requesting an extension of time, with appropriate fee, for filing the RCE in view of the Advisory Action was not included. An extension of time is believed necessary as the period of reply indicated on the Advisory Action was three (3) months from the date of the Final Office Action (i.e., October 26, 2006).

In submitting the Request for Continued Examination, a Fee Transmittal For FY 2006 (PTO/SB/17 (07-06)) and Request for Continued Examination Transmittal (PTO/SB/30) were also filed. Form PTO/SB/30 authorized the Director to charge the fee required to file the RCE to

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the EMC Corporation Deposit Account, but did not indicate that any extension of time fee should be charged to the indicated deposit account. However, the Fee Transmittal form (PTO/SB/17) did authorize the such payment of extension fess in that the box "Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17" was filed. Copies of the submitted forms are attached hereto.

Applicant believes that pursuant to 37 CFR 1.136(a)(3) a constructive extension of time for filing the RCE was properly and timely requested by authorizing the Office to charge any additional fees that may be needed to the deposit account indicated on the Fee Transmittal (PTO/SB/17) form.

A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under §117, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for it timely submission. 37 CFR 1.136(a)(3).

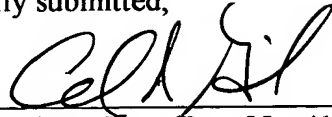
This paper is being submitted to formally petition the Office to accept and enter the amendments made to the claims contained in the RCE filed on December 12, 2006 into the record. As the filing of the RCE was within the two-month extension period beyond the three month time period allocated by the Advisory Action authorization for a two-month extension time, and appropriate fee, is believed necessary. . However, if it is determined that additional fees are needed for the submission of this paper, please charge all fees occasioned by the submission of this paper to Deposit Account No. 05-0889.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (914) 798 8505.

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Respectfully submitted,



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